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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,415	01/30/2004	Andrew G. Tucker	33227/462001;SUN030221-US	8014

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EXAMINER

VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2431

NOTIFICATION DATE	DELIVERY MODE
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12/08/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/769,415	Applicant(s) TUCKER ET AL.	
	Examiner MICHAEL R. VAUGHAN	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41,47,48,50 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41,47,48,50,53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The instant application having Application No. 10/769,415 is presented for examination by the examiner. Claims 41, 47, 48, 50, and 53-58 are pending.

Response to Amendment

Claim Rejections - 35 USC § 101

Current amendments to the specification and claim cancellations are sufficient in overcoming the previous 101 rejections.

Claim Rejections - 35 USC § 112

Current amendments to the claims and claim cancellations are sufficient in overcoming the previous 112 rejections.

Response to Arguments

Applicant's arguments filed 9/11/09 have been fully considered but they are not persuasive. The following interpretation of the prior art is solely based on the current set of claims and arguments submitted by the Applicant. It is not the only possible interpretation of the prior art and may be altered when/if the claims and/or arguments change.

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Applicant has alleged that the amendment of a first and second file system overcomes the prior art of record, hereinafter Dalton. Examiner respectfully disagrees because the numbering of the file systems does not imply they are functionally different nor have different properties. True, the numbering does make them distinguishable by giving them a unique label, but in no way does that require more than Dalton teaches. Dalton discloses the main file system is divided up into non overlapping sections. One could easily give these file system sections names (0025). Consider the following analogy. A car has four tires. The left front tire could be referred to as the first tire and the right front tire could be referred to as the second tire. Thus, they are distinguishable but the first tire and the second tire can still be the same type, make, model, and size. One could reverse the naming scheme and call the left front tire number two for instance and vice versa. To that end, they still share the same properties. The subset of the file system of Dalton can be referred to by an arbitrary numbering scheme. The newly amended claims do not require that the file systems somehow be different. Thus, the rejection must be maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41, 47, 48, 50, and 53-58 are rejected under 35 U.S.C. 102(e) as being anticipated by USP Application Publication 2003/0172109, to Dalton et al., hereinafter Dalton.

As per claim 41, Dalton teaches a computer readable medium comprising a set of one or more instructions which, when executed by one or more processors, cause the one or more processors to perform the method of:

in an operating system environment controlled by a single operating system kernel instance (0022), establishing a global zone [operating system as a whole] comprising a first non-global zone [compartments; 0021], wherein the first non-global zone comprises a first file system [main file system; 0025] and wherein the global zone comprises a second file system [restricted file system; 0023];

receiving, from a first process, a first request to perform a first operation [0061], wherein the first process is associated with a first set of privileges [tags or labels] and is executed by at least one of the one or more processors, and wherein the first set of privileges restrict the first process to the first non-global zone [not permitted to change to the root of the file system; 0061];

in response to the first request, determining whether performing the first operation is within the first set of privileges (0061); and

denying the first request if performing the first operation is not within the first set of privileges (0063).

Claim 54 is rejected for the same reasons as claim 41.

As per claims 47 and 55, Dalton teaches performing the first operation comprises accessing an object, the method further comprising: determining whether the first process has permission to access the object [preventing transitioning to root and restricting a process to only those objects in its compartment; 0025].

As per claims 48 and 56, Dalton teaches the first operation includes one of: mounting/unmounting a file system, overriding file system permissions, binding to a privileged network port, and controlling other processes with different user identifiers [0043; binding to a privileged network port].

As per claims 50 and 57, Dalton teaches receiving, from a second process associated with a second set of privileges [its own specific labels or tags], a second request to perform a second operation (0061), wherein the second process is executing in the global zone, and wherein the second process is executed by at least one of the one or more processors (0061);

in response to the second request, determining whether performing the second operation is within the second set of privileges (0061); and

denying the second request if performing the second operation is not within the second set of privileges (0063). This request would be executed if the application has

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the label or tags to permit it to transition to the root of the file system, thus out of one of the compartments [non-global zone].

As per claims 53 and 58, Dalton teaches the second operation includes one of: modifying all process privileges, writing to system administration file, opening device holding kernel memory, modifying operating system code, accessing file systems restricted to root user, setting the system clock, changing scheduling priority of an executing process, reserving resources for an application, directly accessing a network layer and loading kernel modules [0061-0063; application is preventing from gaining admin level privileges].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/M. R. V./

Examiner, Art Unit 2431

/William R. Korzuch/

Supervisory Patent Examiner, Art Unit 2431